

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DAVID PALAMARYUK, by and through
9 his parent and next friend, AVRAM
PALAMARYUK,

10 Plaintiff,

11 v.

12 ELAINE DUKE, et al.,

13 Defendants.
14

Case No. C17-441-MJP-JPD

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS

15 Having reviewed the Report and Recommendation of the Honorable James P. Donohue,
16 Chief United States Magistrate Judge, any objections or responses to that, and the remaining
17 record, the Court finds and ORDERS:

18 (1) The Court ADOPTS the Report and Recommendation.

19 (2) Defendants' motion to dismiss, Dkt. 21, is GRANTED in part and DENIED in
20 part. Plaintiff's Administrative Procedures Act claim is DISMISSED with prejudice. Plaintiff
21 may proceed with his Rehabilitation Act and Due Process claims.

22 (3) This matter is RE-REFERRED to Judge Donohue for further proceedings.
23

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS - 1

1 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
2 Donohue.

3 Dated this 12th day of March, 2018.

4
5 

6 Marsha J. Pechman
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23